

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISION

SANDRA ROGERS, INDIVIDUALLY AND
AS PERSONAL REPRESENTATIVE OF
THE ESTATE OF DUSTIN ROGERS
AND AS NEXT FRIEND OF DALLAS
ROGERS AND LONDON ROGERS

Plaintiff

VERSUS

BBC CHARTERING AMERICA, LLC
AND BBC CHARTERING USA, LLC

Defendants

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CIVIL ACTION NO.:

SECTION:

DISTRICT JUDGE:

MAGISTRATE JUDGE:

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NOTICE OF REMOVAL

The defendants, BBC Chartering America, LLC (“BBC America”) and BBC Chartering USA, LLC (“BBC USA”), while fully reserving all rights and defenses, file this *Notice of Removal* to the United States District Court for the Southern District of Texas, and respectfully represent as follows:

I.

PENDING STATE LAWSUIT

1. On November 13, 2013, the plaintiff filed a civil action styled “Sandra Rogers, Individually and as Personal Representative of the Estate of Dustin Rogers and as Next Friend of Dallas Rogers and London Rogers vs. BBC Chartering America, LLC and BBC Chartering USA, LLC” and assigned Docket No. 2013-68466 in the 333rd Judicial District Court in Harris County,

Texas (“the lawsuit”). In accordance with 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders served upon BBC America and BBC Chartering USA are attached.

The lawsuit consists of wrongful death and survival claims brought pursuant to the general maritime law of the United States in connection with the death of Dustin Rogers.

2. The name and address of the court from which this case is being removed is:

333rd Judicial District Court of Harris County, Texas
201 Caroline, Suite 420
P.O. Box 4651
Houston, Texas 77210

II.

STATE COURT DOCUMENTS

3. The following documents are attached to this Notice of Removal:

Exhibit “A” Plaintiffs’ Original Petition and associated pleadings

Exhibit “B” Citation to BBC Chartering America, LLC

Exhibit “C” Citation to BBC Chartering USA, LLC

Exhibit “D” Certified Copy of the state court Docket Sheet

Exhibit “E” List of all counsel of record including addresses, telephone numbers, and the parties they represent, respectively.

III.

TIMING OF REMOVAL

4. This Notice of Removal is filed within thirty (30) days of service of the lawsuit upon BBC America and BBC USA, and is therefore timely under 28 U.S.C. §1446(b).

IV.

JURISDICTION

5. This case is removable to this Court pursuant to 28 U.S.C. § 1441, as it is a civil action brought pursuant to the general maritime law under 28 U.S.C. §1333 and subject to this Court's original jurisdiction.

V.

VENUE

6. Under 28 U.S.C. § 1441(a), venue is proper in this Court as the 333rd Judicial District Court of Harris County, Texas, where the state action is pending, is located within this District.

VI.

ANSWER

7. No answer has been filed by BBC America or BBC USA in response to the lawsuit in the state court proceeding.

VII.

NOTICE TO ADVERSE PARTY AND STATE COURT

8. As removing parties, BBC America and BBC USA will give the plaintiff prompt written notice of this *Notice of Removal* through her counsel of record as required by 28 U.S.C. §1446(d).

9. BBC America and BBC USA will file this *Notice of Removal* with the Clerk of the 333rd Judicial District Court of Harris County Texas, where the state proceeding is pending, as required by 28 U.S.C. §1446(d).

10. All of the defendants named and served in the lawsuit have consented to remove this matter to the United States District Court for the Southern District of Texas.

VIII.

JURY DEMAND

11. The plaintiff demanded a jury in the lawsuit initiating the state court proceeding.

WHEREFORE, the defendants, BBC Chartering America, LLC and BBC Chartering USA, LLC, respectfully request that this Court take jurisdiction of this civil action to its conclusion and to the exclusion of any further proceedings in state court in accordance with federal law.

Respectfully submitted,

/s/ Frederick W. Swaim III

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this *Notice of Removal* has been served upon all counsel of record by the Southern District of Texas e-file system. If counsel is not a registered user of the system, then service will be made by certified mail, return receipt requested. All manner of service will be made on December 23, 2013.

Via CM/RRR 7013 1710 0001 3023 2838

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/s/ Frederick W. Swaim III
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